

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND
LIABILITY ACT

14-6. Inspections, Sampling, Information Gathering, Subpoena,
and Entry for Response

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, including Sections 104, 109 and 122:
 - a. To enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, information gathering and response actions.
 - b. To require the production of information and documents.
 - c. To issue subpoenas.
 - d. To issue compliance orders for production of information and documents.
 - e. To issue compliance orders for entry and inspection.
 - f. To obtain and execute warrants to support this authority.
 - g. To carry out any inspections, sampling and information gathering authorized by CERCLA.
 - h. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a., 1.b., 1.c., 1.d., 1.e., and 1.g.
2. **TO WHOM DELEGATED.**
 - a. Regional counsel, for authority under 1.a. to enter any vessel, facility, establishment, place, property or location for the purposes of information gathering; for authority under 1.b. through 1.f. for authority under 1.g. for information gathering under CERCLA 104(e); and for authority under 1.h. for the respective delegated authorities.
 - b. Director, Superfund and Emergency Management Division, for authority under 1.a. to enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, other information gathering, and response actions; for authority under 1.g. for inspections, sampling and all other information gathering under Section 104; and for authority under 1.h. for the respective delegated authorities.
3. **LIMITATIONS.**
 - a. The delegated official should consult with the assistant administrator for Office of Enforcement and Compliance Assurance prior to issuing compliance orders regarding information gathering or compliance orders for entry and inspection, or issuing subpoenas, consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.

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- b. The RC should consult with the director or designee, SEMD, prior to exercising the above authorities delegated to the regional counsel.

4. **REDELEGATION AUTHORITY.**

- a. The authority in 1.a., 1.b., 1.c., 1.f., and 1.g. may be redelegated to the staff level.
- b. The authority in 1.d., 1.e., and 1.h. may be redelegated to the section chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. CERCLA §§104(e), 109(a), 109(b), and 122(e).
- b. 40 C.F.R. Part 300, National Contingency Plan.
- c. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."
- d. Delegation 14-12, "Civil Judicial Enforcement Actions, Including Collection Actions."



Gregory Sopkin
Regional Administrator



Date